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Report of the Working Group of Experts on People of African Descent on its seventeenth and eighteenth sessions*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Working Group of Experts on People of African Descent on its seventeenth and eighteenth sessions, prepared pursuant to Council resolutions 9/14, 18/28 and 27/25. During its seventeenth session, held in Geneva from 23 to 27 November 2015, the Working Group held private discussions. Its eighteenth session, held in Geneva from 11 to 15 April 2016, focused on the theme of "Interlinkages between recognition, justice and development". Acknowledging the interdependence and interrelatedness of the three pillars of the International Decade for People of African Descent, the Working Group reiterated its recommendations made to States, international organizations, civil society and United Nations agencies, funds and programmes at its previous sessions with regard to the three pillars of the International Decade. It emphasized the importance of full implementation of General Assembly resolution 69/16, including its provisions for the establishment of a forum to serve as a consultation mechanism and for the drafting of a United Nations declaration on the promotion and full respect of the human rights of people of African descent. The Working Group also called for the development of comprehensive national action plans to tackle racism, racial discrimination, xenophobia, Afrophobia and related intolerance and urged all stakeholders to actively oppose negative stereotyping of people of African descent on the basis of ethnicity, religion and origin, with a specific focus on combating hate speech and incitement to hatred through media and political statements.

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I. Introduction

1. The Working Group of Experts on People of African Descent held its seventeenth session from 23 to 27 November 2015 and its eighteenth session from 11 to 15 April 2016 at the United Nations Office at Geneva. The seventeenth session was attended by all the members: Michal Balcerzak, Sabelo Gumedze, Mireille Fanon Mendes-France, Verene Shepherd and Ricardo A. Sunga III. Ms. Shepherd completed her term as member of the Working Group at the end of November 2015. Her successor, Mr. Ahmed Reid (Jamaica), was appointed in December 2015 and joined Mr. Balcerzak, Ms. Fanon Mendes-France and Mr. Sunga at the eighteenth session of the Working Group. The present report is submitted in accordance with Human Rights Council resolutions 9/14, 18/28 and 27/25, in which the Working Group was requested to submit an annual report to the Council on all activities relating to its mandate. The report is focused mainly on the deliberations at the eighteenth session of the Working Group.

2. Representatives of Member States, the Holy See, international organizations, regional organizations and non-governmental organizations (NGOs) and invited panellists participated in the eighteenth session of the Working Group (see annex).

II. Organization of the eighteenth session

A. Opening of the session

3. Mona Rishmawi, Chief of the Rule of Law, Equality and Non-Discrimination Branch of the Office of the United Nations High Commissioner for Human Rights (OHCHR), opened the session and welcomed all participants.

4. Kate Gilmore, Deputy High Commissioner for Human Rights, in her opening statement expressed appreciation for the Working Group's commitment, in its work, to protecting and promoting the rights of people of African descent. She emphasized the inextricable links and interdependence among the three themes of the International Decade for People of African Descent. Regarding the issue of recognition, she said that it was crucial to acknowledge the legacy of enslavement as well as the rich history and culture of people of African descent and Africans before enslavement. She added that the gap between laws to combat racial discrimination and the reality of structural discrimination, which impeded the delivery of justice, should be recognized.

5. She echoed the sentiments that the Working Group, together with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Committee on the Elimination of Racial Discrimination, had expressed on the occasion of the International Day for the Elimination of Racial Discrimination — namely, that very little progress had been made in tackling racism, Afrophobia, racial discrimination, xenophobia and related intolerance, while there had been an alarming increase of hate speech across the globe. She added that the Sustainable Development Goals must incorporate the human rights principles of non-discrimination and equality. In the context of the International Decade, she called upon States to share information on initiatives taken at the national level to prioritize protection of the human rights of people of African descent. She expressed the hope that Member States would be soon taking steps to establish a forum for people of African descent. She conveyed the firm commitment of the High Commissioner for Human Rights to advancing the rights of people of African descent, including in his capacity as the Coordinator of the International Decade.

B. Election of the Chair-Rapporteur

6. Ricardo A. Sunga III was elected Chair-Rapporteur of the Working Group.

7. Ms. Fanon Mendes-France, in her statement as the outgoing Chair-Rapporteur, thanked the other members of the Working Group and the other meeting participants for their support and added that the Working Group would continue to strive to strengthen the mandate that had been entrusted to it. She highlighted the challenges faced in combating racism as a result of, inter alia, policies that had, in one way or another, contributed to the institutionalized invisibility and structural racism faced by people of African descent on a daily basis in all aspects of their lives. She urged the Working Group to systematically use the term "Afrophobia" to describe that particular form of racism. Emphasizing the importance of the first International Decade for People of African Descent, she expressed regret that the forum for people of African descent had yet to be established and that there had not been any discussion of the drafting of a United Nations declaration on the promotion and full respect of the human rights of people of African descent, even though the International Decade was already in its second year. She urged States to fully implement General Assembly resolution 69/16, on the programme of activities for the implementation of the International Decade.

8. Accepting his new role as Chair-Rapporteur of the Working Group, Mr. Sunga thanked the other experts for his election and the participants for their support.

9. The representatives of Brazil, Colombia, Egypt, Italy, Morocco, Namibia, South Africa, Tunisia and Venezuela (Bolivarian Republic of), along with the European Union, expressed appreciation to Ms. Fanon Mendes-France for her work during her tenure as Chair-Rapporteur and congratulated Mr. Sunga on his appointment as the new Chair-Rapporteur.

C. Organization of work

10. The Working Group adopted the agenda (A/HRC/WG.14/18/1 and Corr.1) and programme of work.

III. Update and briefings on activities undertaken by the Working Group in the past year

11. Under item 5 of the agenda, Mr. Sunga informed participants that the Working Group had submitted its annual report on its fifteenth and sixteenth sessions to the Human Rights Council at its thirtieth session. During that session the Working Group had also presented the reports on its country visits to the Netherlands and Sweden and had engaged in a constructive dialogue with Member States. The Working Group had also submitted its annual report to the General Assembly at its seventieth session and had participated in an interactive dialogue with the Third Committee on 2 November 2015.

12. Mr. Sunga also briefed the participants of the eighteenth session on the seventeenth session of the Working Group, an internal meeting at which members had reviewed the Working Group's methods of work, prepared for its upcoming session, communications and country visits, and held meetings with various stakeholders and representatives of various OHCHR units. The Working Group had decided to liaise more intensively with financial and developmental institutions during the following year in order to effectively implement the relevant parts of its mandate.

13. Mr. Sunga briefed participants on the country visits of the Working Group to Italy (1–5 June 2015) and the United States of America (19–29 January 2016). At the end of the visits, the Working Group had released press statements, which were available on the OHCHR website.[1] He thanked the Governments of Italy and the United States for their invitation and for their assistance before, during and after the visits. He also thanked the representatives of NGOs and the people of African descent with whom the Working Group had met during the visits and informed participants that reports of the missions would be submitted to the Human Rights Council at its thirty-third session and made publicly available on the OHCHR website.

14. The Working Group continued to actively promote and participate in activities to interact with civil society and assist stakeholders in the implementation of the programme of activities for the International Decade. Ms. Fanon Mendes-France had participated on behalf of the Working Group in the first regional conference of the International Decade, held in Brazil in November 2015. Also in 2015, Mr. Sunga had delivered statements and participated in a range of events, using those opportunities to raise awareness and call for the implementation of the Decade. Having devoted its three most recent annual sessions to the three themes of the International Decade, the Working Group had decided to devote the current session to studying the interlinkages between the three themes of the International Decade in order to further enhance understanding and awareness of the need to implement the International Decade.

IV. Summary of deliberations

Thematic analysis: development and people of African descent

15. The Working Group devoted its eighteenth session to the theme of "Interlinkages between recognition, justice and development".

16. The first panel discussion of the session focused on the interlinkages between the three themes of the International Decade for People of African Descent (recognition, justice and development). Danny Glover, an actor, producer and civil rights activist from the United States, delivered his statement through a videotaped message. He noted that the International Decade provided an important human rights and public policy framework for combating Afrophobia. He called upon national and multilateral policymakers to ensure that specific policies were targeted in support of people of African descent. He pointed out that mass incarceration and lack of access to education, employment, health care and political decision-making were characteristic of the treatment of people of African descent. He also emphasized the importance of reparatory justice in the context of the International Decade.

17. Ms. Fanon Mendes-France delivered a presentation titled "Interlinkages between the three themes of the International Decade for People of African Descent (recognition, justice and development)". She explained that as there was still limited awareness of the International Decade, the Working Group had decided to focus the session on the interlinkages between the three themes of the International Decade. The key question was to understand how to overcome the structurally and institutionally organized invisibility of people of African descent by analysing the interrelatedness of the three pillars, and how to develop responses in relation to the expectations of people who were daily victims of

[1] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16047&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17000&LangID=E.

racism and racial discrimination. She elaborated on each of the three themes and noted that they were very much related to the issues of identity, openness, diversity and the history of colonization and colonialism. She questioned the usefulness of a quantitative approach to measuring the extent to which racism affected people of African descent. She also highlighted the importance of recognition to ensure greater visibility for people of African descent and counter the stigma of Afrophobia, discrimination, xenophobia and exclusion. The struggle for social and political recognition, along with the fight for access to justice and the right to development, would structurally change the balance of power within a society, thereby ensuring respect for the rights of people of African descent and their dignity. Recognition was an essential move to counter the policies of stigmatization, xenophobia and exclusion, and to guarantee the right to the full enjoyment of all human rights by people of African descent in all parts of the world.

18. Angela Davis, a civil rights activist and scholar from the United States, delivered a videotaped message on the importance of the three themes of the International Decade. She said that people's collective relationship to history could not be confined to the past. She emphasized that any full recognition of the transatlantic trade in Africans and enslavement must also involve a broad consciousness of the persistence of racially inflicted violence, including in policing practices and prisons as well as in other sectors such as education, health care and housing, among others. She stressed that realization of equality and justice required major shifts in thinking about existing social, economic and political institutions. She appreciated the initiative taken by the Working Group in visiting the United States and the Working Group's advocacy of reparations for enslavement through the implementation of economic, educational and environmental rights.

19. Isabelle Boni-Claverie, an author, screenwriter and film director, presented her documentary *Too Black to Be French?*, in which she shared her personal experiences in order to highlight the plight of people of African descent and the discrimination they faced in French society. She pointed out that racism affected all people of African descent, irrespective of their social status. She emphasized the need to increase awareness about the International Decade and also the work and recommendations of the Working Group.

20. During the interactive dialogue, Mr. Balcerzak asked Ms. Fanon Mendes-France whether the issue of recognition for people of African descent in France had not been suppressed in the public discourse by more current issues of integration and migration. Ms. Fanon Mendes-France responded that owing to certain integration policies people were being pushed to abandon their identity, and that the key question was therefore how to ensure inclusiveness without denying the importance of where people came from. A representative of an NGO commented on the need to look at recognition from the perspective of the contributions of people of African descent prior to the history of enslavement.

21. The second panel discussion focused on the topic of "Recognition through national action plans and policies or regional plans". Mr. Reid gave a presentation on "Pedagogies of inclusion: a redefinition of curriculum for the recognition of people of African descent". He elaborated on the lingering impact of enslavement and colonialism on people of African descent. For over 400 years, millions of Africans had lost the basic human right to their legal identity, and thus remained invisible in legislation and policies. The cumulative result of racial inequality, systemic discrimination and invisibility constituted a debilitating challenge in many countries. Efforts by the world community to address the scourge of racism through the first World Conference against Racism and the Durban Review Conference, as well as the International Decade, represented the latest efforts to combat racism. He reminded Member States and members of civil society of the tremendous responsibility of ensuring that future generations would live in a world free of the scourges of Afrophobia, racial discrimination and their manifestations. He cited initiatives such as

development of national action plans and laws to promote knowledge of Africa, as well as recognition and appreciation of the identity, culture and history of people of African descent. He recommended the mandatory teaching of history that was culturally relevant and responsive to the experiences of people of African descent and cited the need for an Afrocentric pedagogy to ensure that future generations upheld the rights of people of African descent.

22. Alexandra Haas Paciuc, National Council for the Prevention of Discrimination, Mexico, delivered her message through a videotaped statement. She provided an overview of efforts made by the National Council to combat the racial discrimination faced by people of African descent in Mexico. She pointed out that, according to the 2015 census, 1.4 million people, or 1.2 per cent of the total population of the country, identified themselves as Afro-Mexicans. She outlined major aspects of Mexico's national plan of action for equality and non-discrimination for the period 2014–2018, which included 21 action items related to people of African descent, such as the establishment of a working group to monitor national compliance with the International Convention on the Elimination of All Forms of Racial Discrimination. The National Council also supported parliamentary processes for constitutional reforms, including through studies on the situation of Afro-Mexicans in the country. She pointed out the need to harmonize federal and state laws with respect to international human rights obligations, particularly in areas such as the right to food, education and access to justice, among others. A comprehensive agenda was necessary to promote the cultural traditions and historical contributions of Afro-Mexicans.

23. Pedro Mouratian, former head of the National Institute against Discrimination, Xenophobia and Racism, Argentina, also delivered a video message. He presented observations on addressing the situation of people of African descent from an Argentinian as well as a Latin American regional perspective. He said that it was essential to understand the root causes of the vulnerabilities faced by people of African descent, including the lack of information about communities of such people in the region, as well as the lack of information people of African descent themselves had in exercising their rights. In that regard they faced challenges in accessing health care, housing and work, to name a few examples. There was a need to develop indicators with measurable targets. The 2010 Argentinian census had helped in that regard as it had allowed people to indicate the ethnic group with which they identified. Sensitization campaigns were needed to revitalize the sense of identity of people of African descent, as the prevailing structural discrimination rendered them invisible. Their history and culture needed to be acknowledged, and he gave the example of how the Institute in collaboration with publishers had reviewed school textbooks to ensure that all text deemed to contain racist and xenophobic elements was removed.

24. During the interactive session, the representative of South Africa requested information from Mr. Reid on challenges in documenting and teaching history in its current context in the Caribbean region. Mr. Reid said that, while Caribbean historians had made progress in revisiting history to reflect the history of people of African descent, the repatriation of documents to the Caribbean region continued to present challenges. The representative of Ecuador shared that country's work to develop national policies and plans of action aimed at the most vulnerable groups in society, including people of African descent, and including the adoption of a national policy to implement the International Decade. The representative of Mexico described an initiative in that country involving the inclusion of the historical contributions of Afro-Mexicans in a chapter of history texts used in primary schools. The representative of South Africa described the work of the African Union on the issue, including the declaration of the African diaspora as its sixth region.

25. The third panel discussion focused on the topic "Justice: institutional racial bias and law enforcement". Mr. Sunga, in a paper entitled "Reflections on reparatory justice",

delved into the scope of justice in the context of institutional racial bias and bias in law enforcement. He said that, to address those forms of bias, regional and national laws must be adopted to create the possibility of restitution, compensation and satisfaction for those affected. Furthermore, the jurisdiction and competence of regional and domestic courts and tribunals must include the authority to grant various forms of reparatory justice. He recommended a number of measures in that regard, including laws defining and punishing racial profiling by police and other forms of state-sanctioned violence. At the same time, alternatives to imprisonment should be explored. He provided a number of examples of case law on justice and reparation. He concluded by saying that, in the context of the themes of the International Decade, there needed to be greater appreciation for the interconnections between justice on the one hand and recognition and development on the other.

26. Ralph Gonsalves, Prime Minister of Saint Vincent and the Grenadines, in his videotaped message said that the call by the Caribbean Community (CARICOM) for reparations concerned past enslavement. Describing the history of enslavement in his country, he said that enslavement had produced a legacy of underdevelopment in respect of education, health, housing and other sectors. He called on European nations to repair the legacy of underdevelopment caused by enslavement. CARICOM had set up a regional reparations commission, with individual countries setting up their own national reparations commissions. He also highlighted the objectives of the CARICOM Ten-Point Action Plan for reparations and the need to consolidate international support for reparatory justice.

27. Pastor Elías Murillo Martínez, a member of the Committee on the Elimination of Racial Discrimination, after mentioning the ongoing collaboration between the Committee and the Working Group, gave a presentation on racial profiling and its impact on people of African descent. He emphasized that there was a need to study in depth the manifestations and consequences of racial profiling and its disproportionate impact on people of African descent. Historical prejudice against people of African descent was the basis for present-day racial profiling, a practice that police guidelines often encouraged. Lack of training for enforcement officials could also lead to racial profiling, which eroded trust in public authorities, in particular law enforcement and the judiciary. Emphasizing the importance of data collection and analysis, he outlined a number of recommendations contained in a study conducted by the OHCHR Regional Office in Panama on racial profiling, including the adoption of measures criminalizing racial profiling, establishing sanctions for perpetrators of racial profiling and remedies for victims, conducting background checks of law enforcement officials, strengthening existing complaint mechanisms, providing relevant training to law enforcement officials and collecting data on racial profiling. Commenting on previous presentations, he said that reparation was essential for establishing equality before the law so that people of African descent could fully enjoy their rights. There was a link between the history of people of African descent and their current situation.

28. Ojeaku Nwabuzo, representing the European Network against Racism, presented a report on Afrophobia in Europe that her organization had compiled on the basis of a study of the impact of racism on people of African descent in 20 European Union countries (Austria, Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Portugal, Spain, Sweden and the United Kingdom) primarily covering the period 2014–2015. The report discussed the most significant issues faced by people of African descent in many areas of their lives, such as education, health, housing, employment, criminal justice and public life. Key findings included the impact of national responses to the "migration crisis" and changes to migration and integration policies affecting people of African descent. The report concluded that the significant disadvantages and barriers erected through the prism of racism affected the life chances and outcomes of people of African descent. Political discourse was framed by political elites, and people of African descent were underrepresented in political life. The

report also discussed the prevalence of racist speech in social media and mainstream media and the disparate impact of racism on people of African descent in the labour, employment and housing sectors. The report contained recommendations for the adoption of a European Union framework for national strategies or policy objectives to combat Afrophobia and promote the inclusion of people of African descent, as well as for the collection of disaggregated equality data, with comparable data sets across Europe, in accordance with data protection standards.

29. Sara Mokuria, co-founder of Mothers against Police Brutality, United States, delivered a videotaped message on the excessive use of force by police officers in that country against people of African descent. She outlined a number of policy recommendations made by her organization, including, among others, conducting drug tests on police officers when they shot and killed, appointing special prosecutors for all shooting cases involving police officers, instituting federal oversight over the officer training curriculum concerning the use of deadly force and giving all family members full access to compensation for crime victims.

30. During the interactive session, Mr. Balcerzak asked Ms. Nwabuzo about the extent of the ongoing immigration crisis and its influence on people of African descent in Europe. He suggested including more information on people of African descent in Central and Eastern Europe. Ms. Nwabuzo replied that the political discourse was indeed creating an environment where racist speech was taking place with impunity, along with a focus on integration over anti-discrimination.

31. The fourth panel focused on the topic "Development: financial/developmental institutions and programmes for people of African descent". Mr. Balcerzak elaborated on practical steps the Working Group itself was planning to undertake to promote and support programmes and projects targeted at people of African descent in various areas related to development. Referring to the Working Group's mandate, which aimed at "contributing to the development programmes intended for people of African descent undertaken by international financial and development institutions, operational programmes and specialized agencies of the United Nations", he linked it to the programme of activities of the International Decade, which prioritized programmes and projects specifically tailored for people of African descent. He proposed studying the agendas of the international financial and development institutions with a view to identifying relevant programmes and issues; considering ways to be actively involved in the consultation process of development programmes intended for people of African descent, at both the planning and implementation stages; encouraging relevant development and financial institutions to take more interest in the Working Group's activities, including by participating in its public sessions; regularly reporting on its contribution to the development programmes; and considering ways to involve other relevant actors in the process of consulting on and contributing to the development programmes.

32. Veronica Womack, Chief Diversity Officer and Professor of Political Science and Public Administration at Georgia College & State University, United States, presented a paper on "Strategies for asset building and wealth creation for people of African descent within the Black Belt region of the American South". She gave an overview of socioeconomic conditions in the Black Belt region and the people of African descent living there, and of how the historical and present-day lack of asset building and wealth creation by people of African descent in the region had negatively affected their socioeconomic development. Examples of that included a disproportionate reliance on low-skill, low-wage jobs, high unemployment rates, low educational attainment, racial and class-based segregation of education and housing, geographical isolation from major transportation infrastructure, limited access to health care, substandard housing, reliance on non-elected, unrepresentative special district bodies in decisions about local economic development, and

a high concentration of power and wealth. She presented a number of recommendations regarding development strategies for people of African descent living in the Black Belt, in alignment with the Sustainable Development Goals for 2030, including providing entrepreneurship education, helping a new generation of farmers of African descent to acquire property in the region, building capacity and providing microfinancing for community-based organizations, among others.

33. Luis Alberto Moreno, President of the Inter-American Development Bank, said in his videotaped message that the International Decade represented an opportunity for recognition, justice and development for people of African descent, and for promoting their full inclusion in all aspects of society. He invited all Governments in the region, as well as entrepreneurs and civil society, to persevere together in that undertaking.

34. The presentations were followed by an interactive session during which Mr. Sunga asked the panellists to elaborate more on the linkages between development and justice. The representative of South Africa enquired about the Working Group's engagement with United Nations agencies working on development, such as the United Nations Conference on Trade and Development and the United Nations Educational, Scientific and Cultural Organization, in addition to engagement in the framework of the 2030 Agenda for Sustainable Development. Mr. Balcerzak replied that the Working Group had just began its work with financial and development institutions and would take into account the suggestions made.

35. A special panel discussion was held to commemorate the fifteenth anniversary of the Durban Declaration and Programme of Action and the implementation of the International Decade for People of African Descent. Mary Robinson, former United Nations High Commissioner for Human Rights and Secretary-General of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, of which the Durban Declaration had been an outcome, delivered her statement through a videotaped message. Ms. Robinson said that one of the positive outcomes of the World Conference against Racism had been the establishment of the Working Group in 2002 by the Human Rights Commission. She congratulated the Working Group on its valuable reports over the years and drew its attention to the issue of attacks against refugees, asylum seekers and migrants arriving in Europe, as well as the racist language increasingly being used by some political parties in Europe. She added that hate speech, rooted in hostility to ethnic, religious and cultural diversity, was being used not only by extremist groups but also by politicians from across the political spectrum, and in social media. She hoped that the Working Group would use its voice to reassert the values and principles of tolerance, equality and non-discrimination, with particular emphasis on awareness-raising and other educational initiatives aimed at countering racist messages and promoting mutual understanding.

36. Hilary Beckles, Vice-Chancellor of the University of the West Indies and Chair of the CARICOM Reparations Commission, delivered a videotaped statement in which he said that the International Decade was an opportunity to ensure that strategies to alleviate the harm and suffering long imposed on people of African descent were long-term and sustainable. While such people were still confronting the legacy of the past in areas such as economic distribution of wealth, hostilities by police authorities and harsh judicial punishment, as well as access to education, health care and housing, the reparatory justice movement was gaining momentum with the establishment of national commissions for reparations in several countries. The movement was not simply about the empowerment of people of African descent in respect of the history they had experienced, but also about finding a new philosophy for the organization of societies and the world in order to establish social justice, moral authority and peace within the human family.

37. The Regional Coordinators also participated in the panel discussion. The representative of the European Union described how developments in the European Union

contributed to the global objectives set out in the Durban Declaration and Programme of Action as well as in the International Decade's objectives and programme of activities. In particular, since the European Union Charter of Fundamental Rights and Freedoms, which prohibited discrimination, had become legally binding, landmark legislation to combat racism and xenophobic speech and crimes had been adopted in 2008 and was now applicable in all European Union member States. It required the member States to criminalize intentional public incitement to violence or hatred as well as the denial, condoning and gross trivialization of certain international crimes, such as genocide, when such conduct was directed at persons defined by reference to race, colour, religion, descent or national or ethnic origin. Several Directives, such as the Racial Equality Directive and the Employment Equality Directive, provided further legal guidance on specific issues. World events such as the global economic crisis, the European and global refugee and migration crisis and the rise of extremism had created new tensions, fuelled new fears and in some cases increased existing intolerance. For those reasons countries could not afford to be complacent and must continue to work together as a global community to fight racism and xenophobia.

38. The representative of Uruguay, speaking on behalf of the Latin American and Caribbean Group, expressed the commitment of the countries of the region to the Durban Declaration and Programme of Action and the fight against racial discrimination. The countries were similarly committed to implementing the programme of activities of the International Decade, and some countries had already implemented national plans of action in that regard. He drew attention to the first regional meeting under the International Decade, which had been held in Brazil in December 2015.

39. The representative of South Africa, speaking on behalf of the African Group, said that the time was opportune for the United Nations system to develop a normative framework addressing the promotion and protection of the rights of people of African descent. The African Group was concerned that people of African descent in the diaspora continued to suffer multiple forms of racism and racial discrimination. Many remained socially excluded and economically marginalized and lived in conditions of abject poverty and underdevelopment, as racism had become rather "institutional" in nature, a fact reflected in many decrees and laws that targeted certain segments of society. The African Group was of the view that true development of societies could be achieved without promoting justice and tolerance and combating racism in its diverse forms. He called for the finalization of a normative framework on people of African descent in the context of the International Decade and wished to see further discussions on the establishment of a forum for people of African descent.

40. The representative of the United States emphasized that country's commitment to combating racism, saying that the United States saw the International Decade as an excellent opportunity to discuss civil rights issues. He referred to the "My Brother's Keeper" initiative, which provided boys and young men of colour with mentoring and skills development in order to eliminate the opportunity gaps they faced in the United States. He described recent collaborative efforts with Brazil, Panama, Peru and Uruguay to address racial discrimination.

41. The representative of Brazil said that the Durban Declaration and Programme of Action had become the major reference point in the design and implementation of public policies for fighting racism and promoting social inclusion. Drawing on the Durban Declaration and Programme of Action, in 2003 Brazil had established the Secretariat for Policies for the Protection of Racial Equality, tasked with to reforming and overseeing the national institutional framework for implementing public policies for combating racism and racial discrimination. He cited several legislative reforms and the first regional conference under the International Decade, held in Brasilia in 2015, and reaffirmed his country's

commitment to the creation of a forum for people of African descent, the adoption of a United Nations declaration on the rights of people of African descent and the convening of the fourth World Conference against Racism.

42. Ms. Fanon Mendes-France in her statement emphasized the need to take stock of the work done in the past 15 years to combat racism, racial discrimination, xenophobia, Afrophobia and related intolerance. She questioned the idea of universality and argued that the domination of European views, as well as globalization, resulting in resistance to the applicability of the principle of universality in the realization of rights by all. She underscored the importance of the Durban Declaration and its Programme of Action, as well as its interlinkages with the work of the Working Group in the context of the International Decade. She said that addressing the legacies of the past, including the commodification of people of African descent and its continuing impact on the African continent, was a huge undertaking. She highlighted the importance of just reparations and suggested that archives on the slave trade, enslavement, colonization and colonialism be opened. She said that the Durban Declaration and Programme of Action and the International Decade served as guides for combating racism, racial discrimination, xenophobia and Afrophobia, for making societies truly pluralistic and rights truly universal for all.

43. The sixth panel discussion focused on the topic of combating racial stereotyping. Ms. Fanon Mendes-France gave an overview of the Working Group's efforts to examine stereotypes faced by people of African descent. They included the study of the role of the Black figure in public space, including the role of the Swarte Piet (Black Pete) character in the Sinterklaas festival in the Netherlands, before and after the visit of the Working Group to the Netherlands in 2014, as well as the study of the prevalence of such stereotypes in different parts of the world. She presented highlights of a paper by Verene Shepherd, former member of the Working Group, on the Black Pete tradition in the Netherlands, including its origins and the ongoing debate surrounding it. Mr. Sunga spoke about the prevalence of racial stereotypes in the Asian region, giving a number of examples from the media and advertisements. The stereotypes could be explained partly by a lack of recognition of people of African descent who had arrived in the region through the slave trade or through various forms of migration and an absence of any acknowledgement of African contributions to Asian society. Mr. Balcerzak spoke about the stereotyping of people of African descent in Central and Eastern Europe. He said that stereotypes were the result of limited knowledge, misinterpretations, a lack of education, and the portrayal of people of African descent in the media, and provided examples from Poland. Ms. Fanon Mendes-France gave several examples of stereotypes in Western art, saying that on the rare occasions when people of African descent appeared in movies they had secondary roles.

44. Hossam Adly, Project Officer for cultural diversity at the City of Geneva, described how that city countered discrimination by holding a Week against Racism, event in March of each year, as well as by promoting diversity through public policy. The city had a diverse population because of its large foreign labour force, and discriminatory acts and statements could be encountered in various areas, particularly in the labour and housing sectors and in interactions with the police. He highlighted the prevalence of xenophobia and racism directed at people of African descent and Muslims. He described Geneva's policy on diversity, which included measures to combat prejudice, intolerance, racism, xenophobia, and discrimination based on religion or ethnic or cultural affiliation. He also listed the various Week against Racism events, including awareness-raising activities and workshops.

45. Kanyana Mutombo of CRAN (Platform for Reflection and Action against Anti-Black Racism), an NGO based in Switzerland, described the activities of the organization, including those aimed at raising awareness about racial discrimination and stereotypes

faced by people of African descent in Switzerland. People of African descent were often stereotyped as being drug dealers and were subject to racial profiling and detention by law enforcement officials because of their background. They were sometimes depicted negatively in the media and in advertisements. Despite their historical contributions, they were relatively invisible.

46. Barryl Biekman of the Dutch NGO Tiye International presented a conceptual framework for an analysis of the Sinterklaas tradition, in particular the figure of Black Pete, and subsequent developments in the country in relation to the practice. She expressed concern at the slow pace of the implementation of the programme of activities of the International Decade, and of combating racial discrimination in general. She said that more work was necessary to combat Afrophobia and suggested that such work focus on developing consensus regarding the conceptual framework for understanding the phenomenon.

47. Participants were also shown a videotaped presentation by the Collective against Islamophobia in France on the topic "Islamophobia: intersectionality of discrimination". According to the presentation, Muslim people of African descent and females from humble social backgrounds were among the most affected by discrimination. The presentation gave examples of how people were discriminated against in, for example, interactions with law enforcement officials. It was recommended that concrete work be initiated on multiple forms of discrimination and on their intersectionality.

V. Conclusions and recommendations

48. **The Working Group concluded its eighteenth session on the theme of "Interlinkages between recognition, justice and development" and made the following conclusions and recommendations.**

49. **The Working Group recorded its appreciation to the United Nations Deputy High Commissioner for Human Rights for her intervention at the eighteenth session. It also thanked Member States and representatives of international organizations and civil society for their active participation.**

A. Conclusions

50. **The Working Group concludes that the promotion and protection of the human rights of people of African descent should be a matter of prioritized concern for States. The interlinkages, interrelationship and interdependence between the three pillars of the International Decade for People of African Descent (recognition, justice and development) are inextricable, and the programme of activities of the International Decade should be seen as a whole and no parts of it neglected or minimized.**

51. **The Working Group welcomes the achievements of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the Durban Declaration and Programme of Action and the political consensus reached on the programme of activities for the implementation of the International Decade. Together, these documents recognize that people of African descent have for centuries been victims of racism and racial discrimination, and provide a strong framework for combating racism, racial discrimination, xenophobia, Afrophobia and related intolerance faced by people of African descent.**

52. Colonial history, the legacies of enslavement, racial subordination and segregation, and policies on race remain a serious challenge in many countries. They strengthened a view of the world that did not consider the perspectives of Africans and people of African descent. Stereotyping is a disturbing phenomenon worldwide. An Afro-centric perspective would pave the way to a more informed world view.

53. The systemic discrimination and the construction of structural and institutional invisibility faced by people of African descent stem from the fact that their history and their contributions to the development of civilization are not properly documented, and are at times rewritten, falsified and not made known to all. The administration of justice is an important way of eliciting the truth. Furthermore, for the full development of people of African descent, there must be recognition, justice and development.

54. Justice includes the totality of reparations, incorporating elements of restitution, compensation and satisfaction. In this light, the Ten-Point Action Plan CARICOM is seen by the Working Group as a creative way of weaving together different elements of reparatory justice. Apology, repatriation, indigenous people's development, cultural institutions such as museums and research centres, public health initiatives, literacy, African knowledge programmes, technology transfer and debt cancellation, are among the points raised in this action plan.

55. The Working Group welcomes some States' and civil society's positive response to its plans aimed at looking into the programmes and policies of financial and development institutions from the perspective of people of African descent. The Working Group will take into consideration the 2030 Agenda for Sustainable Development. In this regard, the Working Group will focus on the areas referred to in its mandate – investments in health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment – as well as other affirmative or positive measures and strategies within the human rights framework.

56. The Working Group stresses that there is a clear connection between poverty and racism. In countries that have a history of transatlantic trade in Africans, the demographic structure is such that the poorest population group is disproportionately composed of people of African descent. Faced with structural discrimination and invisibility, people of African descent encounter an uphill battle in claiming their rights, thus perpetuating multigenerational poverty.

57. The Working Group is deeply concerned by the alarming rates of police violence and the use of racial profiling by law enforcement agencies. People of African descent are disproportionately victims of such acts and are also denied justice.

58. The Working Group expresses its deep concern over the rise in xenophobia and attacks against refugees, asylum seekers and migrants, and over the racist language increasingly being used about them by some political parties. Hate speech is being used not only by extremist groups but also by politicians from across the political spectrum and in social media.

59. Sixty years after the anti-colonialist movements led to the independence of some countries, colonial-based educational materials and perspectives continue to negatively influence society. Many textbooks and reference works still contain racial biases and sexism and fail to consider Afrocentric perspectives. Many of these colonial-based educational materials reinforce negative and damaging stereotypes about people of African descent.

60. The Working Group recognizes that some States have launched the International Decade and have taken steps to add chapters on African history and the transatlantic trade in Africans to primary-level textbooks. While the Working Group welcomes examples of good practices, there is a pressing need to intensify efforts in order to ensure that all States and regions are involved in the full implementation of the programme of activities of the International Decade for People of African Descent, including the provisions of General Assembly resolution 69/16 calling for the establishment of a forum and the drafting of a United Nations declaration on the promotion and full respect of the human rights of people of African descent.

61. The Working Group affirms the important contribution of civil society to its work, in the Durban process and in the promotion and implementation of the International Decade. The Working Group expresses its appreciation for civil-society initiatives that have been productive and have enriched the dialogue on the rights of people of African descent.

B. Recommendations

62. The Working Group reiterates its recommendations made to States, civil society and United Nations agencies, funds and programmes in its previous sessions related to the three pillars of the International Decade. The Working Group also calls for the implementation of the Durban Declaration and Programme of Action.

63. The Working Group recommends that States and civil society review national constitutions and laws and their compatibility with international human rights law, specifically in relation to combating racial discrimination and Afrophobia against people of African descent.

64. The Working Group urges States to, where appropriate, actively pursue reparatory justice for people of African descent. The Working Group also encourages States and regional organizations to undertake initiatives to address recognition, justice and development for people of African descent, as does the CARICOM Ten-Point Action Plan on reparations.

65. The Working Group recommends the setting up of national observatories on racial profiling to identify and document violations. The Working Group requests that States design, implement and enforce, in partnership with people of African descent, measures to eliminate racism, racial discrimination, xenophobia, Afrophobia and related intolerance.

66. The Working Group recommends that States collect and analyse disaggregated data on people of African descent, on the basis of the principle of self-identification, particularly in places where such disaggregated data are unavailable.

67. The Working Group calls upon States to fund and support, at the national level, programmes for the International Decade. At the international level, the Working Group calls upon States to contribute without further delay to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination. The Working Group calls upon States to fund civil-society activities in the context of the International Decade and the participation of civil society in Working Group sessions.

68. The Working Group urges States to reach a consensus on the establishment of a forum for people of African descent without any further delay at the thirty-second session of the Human Rights Council.

69. **The Working Group encourages development agencies and financial institutions to develop and implement programmes to address the human rights situation of people of African descent. The Working Group endorses, and recommends to development agencies and financial institutions for their serious consideration, the CARICOM Ten-Point Action Plan on reparations, including its points on public health initiatives, rehabilitation, technology transfer and debt cancellation.**

70. **The Working Group encourage States, civil society and other relevant actors to actively oppose negative stereotyping of people of African descent on the basis of ethnicity, religion and origin, with a specific focus on hate speech and incitement to hatred through media and political statements. The Working Group suggests the adoption of measures to prohibit and sanction the use of negative stereotyping. Furthermore, positive steps should be taken to create a space for the African perspective, one that will enable a more informed view.**

71. **States are called upon to promote full and accurate inclusion of the general history of Africa and to recognize in educational curricula the important contribution of people of African descent.**

72. **States are urged to develop comprehensive national action plans for tackling racism, racial discrimination, xenophobia, Afrophobia and related intolerance, including by reinforcing national institutions, legislation and the administration of justice, as well as by creating competent national bodies to tackle racial discrimination against people of African descent in all its manifestations.**

Annex

List of participants at the eighteenth session

A. Members of the Working Group

Mr. Michal Balcerzak

Ms. Mireille Fanon Mendes-France

Mr. Ahmed Reid

Mr. Ricardo A. Sunga III

B. Member States

Algeria, Argentina, Austria, Belgium, Botswana, Brazil, Burundi, China, Colombia, Czech Republic, Dominican Republic, Ecuador, Egypt, Finland, Germany, Ghana, Greece, Haiti, Indonesia, Italy, Jamaica, Japan, Kenya, Liberia, Libyan Arab Jamahiriya, Mauritius, Mexico, Morocco, Namibia, Netherlands, Nigeria, Panama, Russian Federation, South Africa, Spain, Sweden, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Zimbabwe.

C. Non-member States

Holy See.

D. Intergovernmental organizations

African Union, European Union.

E. Non-governmental organizations in consultative status with the Economic and Social Council

African Commission of Health and Human Rights Promoters (CAPSDH), Coordination of African NGO on Human Rights (CONGAF), International Youth and Student Movement for the United Nations (ISMUN), National Platform Dutch Slavery Past-LPS, Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO), Tiye International.

F. Non-governmental organizations not in consultative status with the Economic and Social Council

Association K-Neter Kemet, Black Mental Health UK, Culture of Afro-Indigenous Solidarity, Espace Afrique International, European Network against Racism (ENAR), Platform for Reflection and Action against Anti-Black Racism (CRAN Suisse), World Against Racism Network (WARN).

G. Panellists and presenters

Mr. Hossam Adly, Ville de Geneve;

Prof. Hilary Beckles, Vice-Chancellor, University of West Indies;

Dr. Barryl Bickman, Tiye International;

The Collective Against Islamophobia in France (CCIF);

Platform for reflection and Action against Anti Black Racism (CRAN Suisse);

Ms. Isabelle Boni-Claverie, France;

Ms. Angela Davis, USA;

Mr. Danny Glover, USA;

H.E. Dr. Ralph Gonsalves Prime Minister of Saint Vincent and Grenadines;

Mr. Pastor Elias Murillo Martinez, Member, Committee on the Elimination of Racial Discrimination (CERD);

Ms. Sara Mokuria, Mothers Against Police Brutality, USA;

Mr. Luis Alberto Moreno, President, Inter-American Development Bank;

Mr. Pedro Mouratian, former Head of the National Institute against Discrimination, Xenophobia and Racism (INADI), Argentina;

Ms. Ojeaku Nwabuzo, European Network Against Racism (ENAR);

Ms. Alexandra Haas Paciuc, The National Council for the Prevention of Discrimination (CONAPRED), Mexico;

Mrs. Mary Robinson, Former U.N. High Commissioner for Human Rights and Secretary General of the World Conference Against Racism;

Prof. Veronica Womack, Georgia College & State University, USA.